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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**JASON SILVERSTEIN and JENNIFER
STAMATELOS**, individually and on behalf of others
similarly situated,

Plaintiff,

v.

ALLIANCEBERNSTEIN L.P.,

Defendant.

No. 09-CV-5904 (JPO)

PLAINTIFFS' NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT

Please take notice that Plaintiffs hereby move this Court, before the Honorable J. Paul Oetken, United States District Court for the Southern District of New York, pursuant to Rule 56 of the Federal Rule of Civil Procedure, for summary judgment in their favor on the grounds that Defendant cannot carry its burden of establishing that Plaintiffs are exempt from the overtime requirements of the Fair Labor Standards Act and New York Labor Law.

In support of this Motion, Plaintiffs rely on the following: (1) Declaration of Juno Turner In Opposition To Defendant's Motion For Summary Judgment And In Support Of Plaintiffs' Cross-Motion For Summary Judgment and all of the documents annexed thereto; (2) Plaintiffs'

Response To Defendant's Statement Of Undisputed Material Facts and Statement Of Additional Undisputed Material Facts in Support of Cross-Motion for Summary Judgment Pursuant to Local Civil Rule 56.1; (3) Memorandum Of Law In Opposition To Defendant's Motion For Summary Judgment And In Support Of Plaintiffs' Cross-Motion For Summary Judgment. In addition, Plaintiffs also will rely on any such further pleadings and documents as may be filed and oral arguments as the Court may permit or require.

Dated: June 8, 2012

Respectfully submitted,

By:

/s/ Adam T. Klein

Adam T. Klein

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on **June 8, 2012** a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Adam T. Klein
Adam T. Klein